

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, MARCH 6, 2006**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:04 p.m. on Monday, March 6, 2006, with President Gray presiding.

Councillor Bradford led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

President Gray instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

27 PRESENT: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
2 ABSENT: Langsford, Plowman

A quorum of twenty-seven members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Brown recognized Chief James Greeson, Indianapolis Fire Department, and Engine 30 personnel in attendance. Councillor Oliver recognized Indiana University-Purdue University of Indianapolis student Sean Bryant. Councillor Bradford recognized Boy Scout Troop 56 from St. Luke's Methodist Church.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, March 6, 2006, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Monroe Gray
President, City-County Council

February 14, 2006

TO PRESIDENT GRAY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, February 17, 2006, a copy of a Notice of Public Hearing on Proposal Nos. 72-74, 77 and 83-87, 2006, said hearing to be held on Monday, March 6, 2006, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Jean Ann Milharcic
Clerk of the City-County Council

March 1, 2006

TO PRESIDENT GRAY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record*, *Indianapolis Star*, and in the *Indianapolis Recorder* on Friday, February 17, 2006, a copy of a Notice of Public Hearing on Proposal Nos. 72-74, 77 and 83-87, 2006, said hearing to be held on Monday, March 6, 2006, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Jean Ann Milharcic
Clerk of the City-County Council

February 16, 2006

TO PRESIDENT GRAY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinances:

FISCAL ORDINANCE NO. 8, 2006 – approves an increase of \$857,539 in the 2006 Budget of the Marion County Assessor, Center Township Assessor, Decatur Township Assessor, Franklin Township Assessor, Lawrence Township Assessor, Perry Township Assessor, Perry Township Assessor, Pike Township Assessor, Warren Township Assessor, Washington Township Assessor, and Wayne Township Assessor (Property Reassessment Fund) to pay for expenses that were not provided for in the original 2006 approved budget

FISCAL ORDINANCE NO. 10, 2006 – approves an increase of \$78,940 in the 2006 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants Fund) to implement a Badges

March 6, 2006

Without Borders program for public safety personnel in foreign language, cultural and diversity training, financed by a federal grant administered by the Indiana Criminal Justice Institute in conjunction with the U.S. Department of Justice

GENERAL ORDINANCE NO. 29, 2006 – amends the Code to clarify Sec. 996-43, deleting references to limos and increasing current taxicab inspection fees

GENERAL ORDINANCE NO. 30, 2006 – amends the Noise Ordinance to bring it into compliance with federal constitutional law

SPECIAL RESOLUTION NO. 9, 2006 - honors Deputy Gary Schuller

SPECIAL RESOLUTION NO. 10, 2006 - recognizes Courtney E. Morris on her academic accomplishments and approval for publication in the 2005/2006 National Honor Roll Commemorative Edition

SPECIAL RESOLUTION NO. 11, 2006 – recognizes all involved in the landmark decision by the Metropolitan School District of Washington Township to lease the land at 8900 Ditch Road to its citizens known as the Daubenspeck Community Nature Park for the next 30 years

SPECIAL RESOLUTION NO. 12, 2006 – approves the Installment Tax Payment Plan for certain real estate taxes

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor Conley moved, seconded by Councillor Gibson, to move Proposal No. 113, 2006 to the first item under Public Hearing due to the number of people in attendance with interest in the proposal. The agenda was amended by a unanimous voice vote.

Without further objection, the agenda was adopted as amended.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal February 13, 2006. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 154, 2006. The proposal, sponsored by Councillors Keller, Nytes, Gray and Cain, recognizes two Indianapolis artists, James Willie Faust and Nhat Tran, for their artistic creations for the new airport. Councillor Keller read the proposal and presented representatives with copies of the document and Council pins. Ms. Tran thanked the Council for the recognition. Councillor Keller moved, seconded by Councillor Nytes, for adoption. Proposal No. 154, 2006 was adopted by a unanimous voice vote.

Proposal No. 154, 2006 was retitled SPECIAL RESOLUTION NO. 13, 2006, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 13, 2006

A SPECIAL RESOLUTION recognizing two Indianapolis artists, James Wille Faust and Nhat Tran, for their artistic creations for the new airport.

WHEREAS, the Indianapolis International Airport's new \$1.07 billion midfield terminal is scheduled to be completed in 2008; and

WHEREAS, upon completion, approximately ten million annual air travelers will see works of public art; and

WHEREAS, Indianapolis will join such cities as Denver and Orlando in boosting their cities' reputations in the arts and culture by using their most-visible gateways as permanent showcases of art; and

WHEREAS, a panel of national and local art experts whittled approximately 550 entries down to approximately 15 artists; and

WHEREAS, Indianapolis artist James Wille Faust was selected to create an as-yet untitled abstract three-dimensional mural depicting many shapes and colors; now, therefore:

WHEREAS, Indianapolis artist Nhat Tran was selected to create a series of lacquer panels entitled "On the Tip of Our Wings" that evoke the ability of human beings to navigate their own spaces while sharing them with others so that everyone may reach a high destination; and

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly joins the Indianapolis Airport Authority and Blackburn Architects in honoring these two Indianapolis artists.

SECTION 2. The Council heartily congratulates James Wille Faust and Nhat Tran for this great accomplishment.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 155, 2006. The proposal, sponsored by Councillor Randolph, recognizes the heroics of Engine 30 personnel. Councillor Randolph read the proposal and presented representatives with copies of the document and Council pins. Chief James Greeson and Officer Tom Farrington thanked the Council for the recognition. Councillor Randolph moved, seconded by Councillor Gibson, for adoption. Proposal No. 155, 2006 was adopted by a unanimous voice vote.

Proposal No. 155, 2006 was retitled SPECIAL RESOLUTION NO. 14, 2006, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 14, 2006

A SPECIAL RESOLUTION recognizing the heroics of Engine 30 personnel.

WHEREAS, on January 20, 2006, Engine 30 arrived on the scene of a reported residence fire with possible entrapment located at 2712 W. 30th Street; and

WHEREAS, Acting officer Tom Farrington, Substitute firefighter Andy Deck, and Probationary firefighter Matt Banner, with support by Engineer Larry Lish, made an aggressive fire attack and searched through heavy fire and thick smoke on the first floor; and

WHEREAS, one victim escaped in the initial stages of fire and was transported to the hospital for treatment. The victim was later released with mild smoke inhalation; and

WHEREAS, as Private Banner extinguished the fire, firefighters Farrington and Deck found the first victim, moved him to safety, and immediately began resuscitative procedures until Medic 30 personnel took charge of patient care; and

WHEREAS, firefighters Farrington and Deck reentered the residence, located, and removed a second victim to safety; now, therefore:

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BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes firefighters Tom Farrington, Matt Banner, and Andy Deck for going above and beyond the call of duty in rescuing the fire victims.

SECTION 2. The Council heartily congratulates the heroics and dedication of the firefighters of Engine 30.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 156, 2006. The proposal, sponsored by Councillors Randolph and Franklin, recognizes Trisha Anderson for her bravery in rescuing her siblings from their burning house and taking them to safety. Councillor Randolph read the proposal and presented copies of the document and Council pins to representatives. Councillor Pfisterer said that the Survive Alive house helps teach children how to respond to fires, and she invited Councillors to visit. Councillor Randolph moved, seconded by Councillor Franklin, for adoption. Proposal No. 156, 2006 was adopted by a unanimous voice vote.

Proposal No. 156, 2006 was retitled SPECIAL RESOLUTION NO. 15, 2006, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 15, 2006

A SPECIAL RESOLUTION recognizing Trisha Anderson for her bravery in rescuing her siblings from their burning house and taking them to safety.

WHEREAS, on February 12, 2006, the Indianapolis Fire Department responded to an emergency call reporting a residence fire at 701 South Keystone Avenue; and

WHEREAS, the origin and cause of the fire was a 2-year playing with a cigarette lighter and setting a sofa on fire; and

WHEREAS, William Anderson had just stepped out of the shower and his wife, Michelle had just stepped into the shower when their 6-year-old daughter, Trisha, ran into their room and informed them of 2-year-old William setting the sofa on fire; and

WHEREAS, while the parents were making the 911-telephone call, Trisha rescued her 7-month-old sister and 2-year-old brother from the smoke filled room and took them to safety; and

WHEREAS, Mr. Anderson believed the children to still be in the house and attempted to enter the burning structure when he heard Trisha's voice say, "Daddy, I have the baby and William; and

WHEREAS, command was notified that all occupants were out of the structure and the fire was brought under control with a loss of approximately \$20,000; and

WHEREAS, it was reported that five patients were being transported to Methodist Hospital, which included William Anderson, his wife Michelle and their three children; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Trisha Anderson for her take-charge actions during the tragedy.

SECTION 2. The Council heartily congratulates Mr. and Mrs. Anderson on having a brave and responsible young daughter.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Sanders reported that the Administration and Finance Committee heard Proposal Nos. 33, 37 and 38, 2006 on February 21, 2006. She asked for consent to vote on these proposals together. Consent was given

PROPOSAL NO. 33, 2006. The proposal, sponsored by Councillors Gray and Sanders, reappoints Colette A. Johnson to the Equal Opportunity Advisory Board. PROPOSAL NO. 37, 2006. The proposal, sponsored by Councillors Gray and Sanders, reappoints Ernestine Nicholson to the Equal Opportunity Advisory Board. PROPOSAL NO. 38, 2006. The proposal, sponsored by Councillors Gray and Sanders, reappoints Charlie Garrido to the Equal Opportunity Advisory Board. By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they be stricken. Councillor Sanders moved, seconded by Councillor Nytes, to strike. Proposal Nos. 33, 37 and 38, 2006 were stricken by a unanimous voice vote.

PROPOSAL NO. 45, 2006. Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal No. 45, 2006 on February 14, 2006. The proposal, sponsored by Councillor Gray, reappoints Dr. Thomas Inui to the Information Technology Board. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Boyd moved, seconded by Councillor Sanders, for adoption. Proposal No. 45, 2006 was adopted by a unanimous voice vote.

Proposal No. 45, 2006 was retitled COUNCIL RESOLUTION NO. 20, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 20, 2006

A COUNCIL RESOLUTION reappointing Dr. Thomas Inui to the Information Technology Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Information Technology Board, the Council reappoints:

Dr. Thomas Inui

SECTION 2. The appointment made by this resolution, pursuant to Sec. 281-211 of the Revised Code of the City and County, is for a term ending December 31, 2007 and until a successor is appointed and qualifies.

Councillor Sanders reported that the Administration and Finance Committee heard Proposal Nos. 66, 67, 69, and 70, 2006 on February 21, 2006. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 66, 2006. The proposal, sponsored by Councillor Gray, appoints James Beard to the Common Construction Wage Committee. PROPOSAL NO. 67, 2006. The proposal, sponsored by Councillor Gray, reappoints Jackie Nytes to the City-County Internal Audit Committee. PROPOSAL NO. 69, 2006. The proposal, sponsored by Councillor Gray, reappoints Steve Ajamie to the County Property Tax Assessment Board of Appeals. PROPOSAL NO. 70, 2006. The proposal, sponsored by Councillor Gray, reappoints Leland Thomas to the County Property Tax Assessment Board of Appeals. By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

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Councillor Cockrum stated that Common Construction Wage Committee appointments are supposed to indicate which township or taxing district the person represents. He asked which township committee the appointee in Proposal No. 66, 2006 was being appointed to. Councillor Sanders stated that this appointee is for Washington Township.

Councillor Sanders moved, seconded by Councillor Nytes, for adoption. Proposal Nos. 66, 67, 69, and 70, 2006 were adopted by a unanimous voice vote.

Proposal No. 66, 2006 was retitled COUNCIL RESOLUTION NO. 21, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 21, 2006

A COUNCIL RESOLUTION appointing James Beard to the Common Wage Committee.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Common Wage Committee, the Council reappoints:

James Beard

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2006.

Proposal No. 67, 2006 was retitled COUNCIL RESOLUTION NO. 22, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 22, 2006

A COUNCIL RESOLUTION reappointing Jackie Nytes to the City-County Internal Audit Committee.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the City-County Internal Audit Committee, the Council reappoints:

Jackie Nytes

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2006.

Proposal No. 69, 2006 was retitled COUNCIL RESOLUTION NO. 23, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 23, 2006

A COUNCIL RESOLUTION reappointing Steve Ajamie to the County Property Tax Assessment Board of Appeals.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the County Property Tax Assessment Board of Appeals Board, the council reappoints:

Steve Ajamie

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2006. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 70, 2006 was retitled COUNCIL RESOLUTION NO. 24, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 24, 2006

A COUNCIL RESOLUTION reappointing Leland Thomas to the County Property Tax Assessment Board of Appeals.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the County Property Tax Assessment Board of Appeals, the council reappoints:

Leland Thomas

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2006. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Brown reported that the Parks and Recreation Committee heard Proposal Nos. 75 and 76, 2006 on February 16, 2006. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 75, 2006. The proposal, sponsored by Councillor Gray, reappoints Emily Nichols to the Board of Parks and Recreation. PROPOSAL NO. 76, 2006. The proposal, sponsored by Councillor Gray, reappoints Rick Cockrum to the Board of Parks and Recreation. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Brown moved, seconded by Councillor Mahern, for adoption. Proposal No. 75 and 76, 2006 were adopted by a unanimous voice vote.

Proposal No. 75, 2006 was retitled COUNCIL RESOLUTION NO. 25, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 25, 2006

A COUNCIL RESOLUTION reappointing Emily Nichols to the Board of Parks and Recreation.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Parks and Recreation, the Council reappoints:

Emily Nichols

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2006.

Proposal No. 76, 2006 was retitled COUNCIL RESOLUTION NO. 26, 2006, and reads as follows:

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CITY-COUNTY COUNCIL RESOLUTION NO. 26, 2006

A COUNCIL RESOLUTION reappointing Rick Cockrum to the Board of Parks and Recreation.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Parks and Recreation, the Council reappoints:

Rick Cockrum

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2006.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 78-81, 2006 on February 15, 2006. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 78, 2006. The proposal, sponsored by Councillor Gray, appoints Brian Carney to the Animal Care and Control Board. PROPOSAL NO. 79, 2006. The proposal, sponsored by Councillor Gray, reappoints Robert A. Brown to the Board of Public Safety. PROPOSAL NO. 80, 2006. The proposal, sponsored by Councillor Gray, reappoints Kim Robinson to the Board of Public Safety. PROPOSAL NO. 81, 2006. The proposal, sponsored by Councillors Gray and Nytes, reappoints Al Polin to the Citizens Police Complaint Board. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Moriarty Adams moved, seconded by Councillor Nytes, for adoption. Proposal Nos. 78-81, 2006 were adopted by a unanimous voice vote.

Proposal No. 78, 2006 was retitled COUNCIL RESOLUTION NO. 27, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 27, 2006

A COUNCIL RESOLUTION appointing Brian Carney to the Animal Care And Control Board

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Animal Care And Control Board, the Council appoints:

Brian Carney

SECTION 2. The appointment made by this resolution is for a term ending on December 31, 2006 pursuant to Sec. 251-332 of the Revised Code of the Consolidated City and County. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 79, 2006 was retitled COUNCIL RESOLUTION NO. 28, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 28, 2006

A COUNCIL RESOLUTION reappointing Robert A. Brown to the Board of Public Safety.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Public Safety, the Council reappoints:

Robert A. Brown

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2006, pursuant to Sec. 251-231 of the Revised Code of the City and County.

Proposal No. 80, 2006 was retitled COUNCIL RESOLUTION NO. 29, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 29, 2006

A COUNCIL RESOLUTION, reappointing Kim Robinson to the Board of Public Safety.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Public Safety, the Council reappoints:

Kim Robinson

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2006, pursuant to Sec. 251-231 of the Revised Code of the City and County.

Proposal No. 81, 2006 was retitled COUNCIL RESOLUTION NO. 30, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 30, 2006

A COUNCIL RESOLUTION reappointing Al Polin to the Citizens Police Complaint Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Citizens Police Complaint Board, the Council reappoints:

Al Polin

SECTION 2. The appointment made by this resolution is for a term ending on December 31, 2008 pursuant to Sec. 281-633 of the Revised Code of the City and County. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies, but for not more than sixty (60) days beyond the expiration of his term.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 82, 2006. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 82, 2006 on February 15, 2006. The proposal, sponsored by Councillor Gray, appoints Raymond Pierce to the Indianapolis-Marion County Forensic Services Board. Councillor Moriarty Adams stated that Mr. Pierce's term is not yet up. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Moriarty Adams moved, seconded by Councillor Brown, to strike. Proposal No. 82, 2006 was stricken by a unanimous voice vote.

PROPOSAL NO. 91, 2006. Councillor Conley reported that the Public Works Committee heard Proposal No. 91, 2006 on February 23, 2006. The proposal, sponsored by Councillor Gray, reappoints Greg Taylor to the Board of Public Works. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Conley moved,

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seconded by Councillor Gibson, for adoption. Proposal No. 91, 2006 was adopted by a unanimous voice vote.

Proposal No. 91, 2006 was retitled COUNCIL RESOLUTION NO. 31, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 31, 2006

A COUNCIL RESOLUTION reappointing Greg Taylor to the Board Of Public Works.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board Of Public Works, the Council reappoints:

Greg Taylor

SECTION 2. The appointment made by this resolution is for a term ending on December 31, 2006 pursuant to Sec. 261-402 of the Revised Code of the City and County. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 99, 2006. Introduced by Councillors Brown and Conley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Monroe Gray to the Capital Improvement Board"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 123, 2006. Introduced by Councillor Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$13,000 in the 2006 Budget of the Marion County Commissioners (County General Fund) to provide funding for a contract with a hearing officer for poor relief assistance appeals"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 124, 2006. Introduced by Councillors Gray and Nytes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Venita J. Moore to the City Market Corporation board of directors"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 125, 2006. Introduced by Councillors Gray and Nytes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Debra M. Simmons Wilson to the City Market Corporation board of directors"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 126, 2006. Introduced by Councillors Brown, Mahern, Cockrum and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer and appropriation of \$94,706 in the 2006 Budget of the Department of Parks and Recreation (Federal Grants, Non-Lapsing Federal Grants and Non-Lapsing State Grants Funds) to fund extended day programming ("K-Plus") at IPS School 82/Christian Park School, after-school programming in IPS and Washington Township schools, and drug and alcohol prevention programs, financed by grants from the U.S. Department of Education and the State of Indiana tobacco settlement fund"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 127, 2006. Introduced by Councillors Brown, Mahern and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$6,920 in the 2006 Budget of the Department of Parks and Recreation (Non-lapsing State Grants Fund) to complete landscaping along the north bank of the Broad Ripple Canal from the Monon Trail to Guilford Avenue, financed by the balance of a 1999 grant from the Build Indiana Fund"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 128, 2006. Introduced by Councillors Brown, Mahern, Nytes and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$955,000 in the 2006 Budget of the Department of Parks and Recreation (Park General Fund) to complete land acquisition and site work at the future location of the First Tee Youth Golf Academy to be located in the area between 25th Street and 28th Street, Winthrop Avenue and the Monon Trail, financed by Indy Parks golf course revenues and grants from the First Tee program and the United States Golf Association"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 129, 2006. Introduced by Councillors Brown, Mahern and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$30,000 in the 2006 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to design repairs to the Taggart Memorial in Riverside Park, financed by a federal grant"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 130, 2006. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$354,000 in the 2006 Budget of the Marion County Sheriff (Cumulative Capital Improvement Fund) to purchase twenty-five vehicles for the Civil Division of the Sheriff's Department"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 131, 2006. Introduced by Councillors Moriarty Adams and Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$94,500 in the 2006 Budget of the Marion Superior Court (State and Federal Grants Fund) to provide funding for a review and redesign of the jury pool process"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 132, 2006. Introduced by Councillors Moriarty Adams and Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$800 in the 2006 Budget of the Marion Superior Court (State and Federal Grants Fund) to provide funding for the conference registration fees of one juvenile hearing officer to attend a conference on "Building on Success: Providing Today's Youth with Opportunities for a Better Tomorrow"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 133, 2006. Introduced by Councillors Moriarty Adams and Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$195,950 in the 2006 Budget of the Marion Superior Court (Alcohol and Drug Services Fund) to the Drug Testing Laboratory Fund in order to simplify the accounting structure of the agency"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 134, 2006. Introduced by Councillors Moriarty Adams and Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$10,000 in the 2006 Budget of the Marion Superior Court (State and Federal Grants Fund) to pay

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for supplies in the Community Court building, funded by the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 135, 2006. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation totaling \$886,687 in the 2006 Budget of Marion County Community Corrections (State and Federal Grants Fund) to implement a program to help remove juveniles early from state correctional facilities, financed by a grant from the Indiana Department of Corrections"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 136, 2006. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$176,086 in the 2006 Budget of the Marion County Prosecutor (State and Federal Grants Fund and County Grants Fund) to fund expenses related to a narcotics eviction investigator, a stalking prosecutor, the purchase of radar guns, and overtime for nighttime seat belt enforcement efforts"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 137, 2006. Introduced by Councillors Abdullah and Mahern. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a hotel loading zone, a vehicle loading zone and a taxi zone for the Conrad Hotel and changes parking restrictions in the vicinity (Districts 15 and 19)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 138, 2006. Introduced by Councillors Conley, Keller, Mahern, Nytes and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$2,000,000 in the 2006 Budget of the Department of Public Works, Engineering Division (Transportation General Fund) to design a downtown Cultural Trail to promote education, commerce, tourism and fitness, funded by a grant from the Central Indiana Community Foundation"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 139, 2006. Introduced by Councillors Gray, Mahern and Conley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Robert Kennedy to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 140, 2006. Introduced by Councillors Gray, Mahern and Conley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Robert Shula to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 141, 2006. Introduced by Councillors Gray, Mahern and Conley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Brian Murphy to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 142, 2006. Introduced by Councillors Nytes, McWhirter, Sanders and Conley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which affirms the recommendation of the cable franchise administrator and the cable franchise board to require First Mile to submit an application for franchise"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 143, 2006. Introduced by Councillors Gray and Conley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Johnny Alderman to the Common Construction Wage Committee for Washington Township (inside IPS district)

PROPOSAL NO. 144, 2006. Introduced by Councillors Gray and Conley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints John P. Beaman to the Common Construction Wage Committee for Center Township"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 145, 2006. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints David Murray to the Common Construction Wage Committee for Wayne Township including Speedway and Speedway Schools"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 146, 2006. Introduced by Councillors Gray and Conley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints John D. Nunley to the Common Construction Wage Committee for Decatur Township"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 147, 2006. Introduced by Councillors Gray and Conley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Kevin Popa to the Common Construction Wage Committee for Perry Township including Perry Township Schools"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 148, 2006. Introduced by Councillors Gray and Conley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Gary Pierson to the Common Construction Wage Committee for Perry Township including Beech Grove and Beech Grove Schools"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 149, 2006. Introduced by Councillors Gray and Conley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Joe Long to the Common Construction Wage Committee for Lawrence Township"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 150, 2006. Introduced by Councillors Gray and Conley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Charles Jennings to the Common Construction Wage Committee for Warren Township"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 151, 2006. Introduced by Councillors Gray and Conley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints John D. Ballard to the Common Construction Wage Committee for Franklin Township"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 152, 2006. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Gary R. Green to the Common Construction Wage Committee for Franklin Township"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 153, 2006. Introduced by Councillors Boyd and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance approves an additional appropriation of

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\$372,850 in the County General Fund for purposes of the Marion County Early Intervention Planning Council and reducing the unappropriated and unencumbered balance County General Fund, to fund the council's engagement of Indiana University-Purdue University Indianapolis (IUPUI), through its Center for Urban Policy and the Environment, to assist the City-County Council of the Consolidated City and County, Indianapolis, Indiana in establishing the Early Intervention Planning Council (hereafter "the EIPC") as described in City-County Ordinance No. 70, 2005 (Proposal No. 756, 2004)"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 164, 2006. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a General Resolution which authorizes the Marion County Board Of Commissioners to dispose of certain real property commonly referred to as "the Kitley property" and "the 3252 Sutherland property", and that the Marion County Treasurer be designated as the acting disposing agent on the behalf of the Commissioners for the transaction described"; and the President referred it to the Administration and Finance Committee.

Councillor Cockrum stated that Proposal Nos. 143-152, 2006 do not indicate the township or taxing district to which each of the appointments apply. He said that he would like to see amendments offered at the Committee level to include this information. General Counsel Aaron Haith stated that amendments will be prepared.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 157-162, 2006 and PROPOSAL NO. 163, 2006. Introduced by Councillor Mahern. Proposal Nos. 157-162, 2006 and Proposal No. 163, 2006 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on February 16, 2006. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 51-57, 2006, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 51, 2006.

2005-ZON-064

6625 EAST 75TH STREET (Approximate Address), INDIANAPOLIS
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 11.

BETULA, LLC, by David Kingen, requests a rezoning of 1.07 acres, being in the D-A District, to the C-1 classification to provide for office uses.

REZONING ORDINANCE NO. 52, 2006.

2005-ZON-192

2829 NORTH MERIDIAN STREET (Approximate Address), INDIANAPOLIS
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15.

NANCY A. LONG requests a rezoning of 0.97 acre, being in the D-9 (RC) and D-5 (RC) Districts, to the C-1 (RC) classification to legally establish office uses.

REZONING ORDINANCE NO. 53, 2006.

2005-ZON-207

1031, 1033, 1058, 1062, AND 1159 UDELL STREET (Approximate Addresses), INDIANAPOLIS
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15.

MLK HOMES, L.P. requests a rezoning of 0.43 acre, being in the C-3 (W-5) and PK-1 (W-5) Districts to the D-5 (W-5) classification to provide for the construction of five single-family dwellings.

REZONING ORDINANCE NO. 54, 2006.

2005-ZON-211

4706 AND 4710 EAST 10TH STREET (Approximate Address), INDIANAPOLIS
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10.

NANCY A. LONG requests a rezoning of 0.94 acre, being in the D-5 District, to the C-1 classification to legally establish a bank.

REZONING ORDINANCE NO. 55, 2006.

2005-ZON-216

9999 EAST 56TH STREET (Approximate Address), CITY OF LAWRENCE
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 12.

MANN PROPERTIES, LLC, by Stephen D. Mears, requests a rezoning of 10.59 acres, being in the C-S District, to the C-4 classification to provide for community-regional commercial uses.

REZONING ORDINANCE NO. 56, 2006.

2005-ZON-227

12420 EAST 79TH STREET (Approximate Address), CITY OF LAWRENCE
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5.

K B HOME, by Thomas Michael Quinn, requests a rezoning of 21.26 acres, being in the D-A District, to the D-3 classification to provide for the construction of single-family dwellings.

REZONING ORDINANCE NO. 57, 2006.

2004-ZON-150

7730-7748 ROCKVILLE ROAD AND 1228 SOUTH HUBER STREET (Approximate Address)
INDIANAPOLIS

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 21.

WILLIAM SHANK, by Thomas Michael Quinn, requests a rezoning of 2.5 acres, being in the D-2 District, to the C-3 classification, to provide for neighborhood commercial uses.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 113, 2006. The proposal, sponsored by Councillor Mahern, is a rezoning ordinance for Washington Township, Councilmanic District 3, 6137 and 6155 Winthrop Avenue (2005-ZON-146) (2005-DP-013). On February 13, 2006, Councillor Sanders called the proposal out for a public hearing to be held this evening. General Counsel Aaron Haith explained the procedure and guidelines for a rezoning public hearing.

Councillor Sanders encouraged Councillors to listen carefully to what both remonstrators and petitioners have to say this evening. She said that lots of information has been provided to Council members by both, and she encouraged the Council to show objectivity in this process.

Steve Mears, attorney for the petitioner, stated that the existing zoning for this location calls for D-5, and houses four doubles and one single-family dwelling. He said that the petitioner, Kosene and Kosene, has been doing business in Indianapolis for 30 years, and its owners, David and Jerry Kosene are lifelong Indianapolis residents and graduates of Broad Ripple High School. He said that the petitioner own several other businesses in Broad Ripple, as well as other condominiums in Broad Ripple which have sold well. He said that parking has been cited as a factor by remonstrators, but the project will add two-car garages underneath each condominium and an additional 19 parking spaces on the site. He said that access is not a problem and will be granted from Winthrop Avenue. The project will have a courtyard near the center of the site and the project will not encroach on the Greenways Trail as has been reported. He said that the project has undergone several changes since the original petition was filed to address staff and neighborhood concerns. The current taxes on the site are approximately \$4,399, while the development will provide almost 30 times the current amount at an estimated \$143,431. He said that at the Metropolitan Development Commission (MDC) Hearing, 40 people stood against the project, but of those 40 individuals, only two people live within 650 feet of the project. He said

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that some people object to every new project in Broad Ripple despite its individual merit, because they want Broad Ripple to stay the same.

Amy Fisher, resident of 6155 N. Winthrop Avenue, said that the current property houses rentals that are run down and dilapidated. In the past two years there have been 11 houses on her street put up for sale. Most of these current residences are rentals with absent landlords, and they have become eyesores with abandoned cars, rusted appliances, and refuse piling up in the yards and against the fences. She said that they are a blight on the Broad Ripple Community. She said that there are also unoccupied rentals that attract loiterers. She said although many are not here this evening, there are many more in close proximity to the project who support it than those here this evening to oppose it. This project would increase the tax base, clean up the area adjacent to the Monon Trail, and increase owner-occupied homes in the area.

Mr. Mears added that there have been numerous discussions and meetings, and what the petitioner is proposing is far superior to what is currently in place. He said that variances are granted all the time for shops and commercial outlets, without providing any quality home ownership.

Ellen Morely Matthews, president of the Broad Ripple Village Association (BRVA) and owner of Chelsea's Restaurant, asked those in attendance opposed to the project to stand. She said that they attempted to work with the developers, but they were not willing to negotiate.

Karen Brogan, member of the Greater Broad Ripple Community Association (GBRCA) stated that she has been a resident of Broad Ripple for many years, and there has been a proliferation of variances granted against the comprehensive plan. She said that the remonstrators are not against development and actually submitted a counter-proposal that was turned down. She said that the long-range plan is devised to maintain the character and integrity of the neighborhood and the plan was re-adopted in 2005 and is not outdated. She said that this is a small street which is suited to low-density residential, two to five units per acre. She said that there are currently 33 condominiums on the market in Broad Ripple, and there is not a big need for more. She said that there have been no complaints about trash or poor maintenance in this area.

Stephen Culbert, member of the GBRCA and resident of 6005 Crestview Avenue, said that the charm of Broad Ripple is lost with condominiums. This project proposes too much density for such a small area.

Greg Silver, attorney for the remonstrators and member of the Parks Board, said that the setback from the Greenways will set a bad precedent for others along the Monon Trail. He said that this development would be giving up too much green area. He added that the Parks staff did not get a plan or any information about this project. He said that spot zoning is illegal, and this benefits only one petitioner.

Don Colvin, acting Greenways Administrator, stated that a bad precedent would be set for a development to not give the proper setback or buffer along the Monon Trail, as that changes the character and attractiveness of the trail.

Thomas Dean, Republican Ward Chairman, said that he and many others have serious problems with the position taken by Councillor Bradford not to oppose this project. He said it does not fit the area zoning.

Mr. Mears provided snapshots of the debris and trash that Ms. Brogan said that she has not witnessed in the current properties. He said that these pictures were taken by resident Amy Fisher, who lives on the same street as the proposed development and must face this deterioration daily. He said that the counter proposals the remonstrators offered were simply not even remotely economically feasible. He said that Kosene and Kosene is known for quality projects and although the plan is a great guide, neighborhoods change and grow and other factors need to be considered. He said that he has two memorandums that were sent to several people in the Parks Department, including Mr. Colvin, dated September 8 and 19, 2005, and they were invited to discuss the project. He said that of the 33 condominiums on the market in Broad Ripple, the majority of those are part of the Ferguson Commons and Woodlawn developments, which are Kosene and Kosene projects still under construction and are not completed. That is why they are still on the market. He said that the Greenways Foundation president supports the project and thinks it is a good thing to have residential development along the trails. The project is actually 44 feet from the Monon Trail pavement, and therefore provides plenty of a buffer.

Jim Holland, resident of 911 E. 61st Street, said that the numbers reported in property taxes is a red herring and are highly exaggerated. He said that a remonstrator asked how much Kosene was paying for the property and they said \$1 million.

Councillor Abdullah said that he usually supports the comprehensive plans and those citizens who participate in that process. He asked if there is a way to compromise on the number of units so that the project is more palatable to the neighbors.

Mr. Mears said that 28 units is the lowest the developer could go and still have the project remain a viable enterprise. He said that the neighbors are asking for 8 to 10 units, which is way too low to even be taken seriously. Councillor Abdullah asked how much the property cost. Mr. Mears said that it cost approximately \$800,000.

Councillor Moriarty Adams asked if the site has been considered for any other type of development. Mr. Mears said that it has not. Mr. Holland said that it has only been the developer's proposal and the remonstrators' counter-proposal.

Councillor Cain said that Broad Ripple has some very eclectic communities and she asked if there are architectural plans that coordinate with the look of Broad Ripple. Gary Weaver, architect for the project, stated that he is also a Broad Ripple resident, and he was very concerned about how this project would fit into the neighborhood and affect the community aesthetics. He said that there are currently 9 units on the site in a mix of one, two and three-story homes, with no parking on the site, but only available on the street. The new plan calls for on-site parking areas, one and a half story homes with each façade facing Broad Ripple Avenue being different from building to building.

Mr. Holland said that the neighbors have still not heard why 28 units are necessary. President Gray stated that Mr. Holland's comments are out of order as they are not answering a question and each side has already had ample opportunity to present their initial case.

Councillor Talley said that he usually supports the district Councillor in zoning matters, but because of the encroachment on Greenways, he has a problem with the density of this project.

Councillor Oliver asked if a traffic study was conducted. Mr. Mears said that the Department of Public Works did conduct a traffic study and there was no problem with the ingress or egress of the proposed development.

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Councillor Bowes said that he usually supports the remonstrators and the proximity to the Monon Trail causes extra concern. He said that he is familiar with this area and this development does not seem to fit, but he agrees that there should be something new there. He said that he would be happy to entertain more density than what is present now, but that this density jumps too high.

Councillor Mansfield said that it seems the opposition is not with regards to the project, but to the density. She asked if the proposal was postponed this evening, if the parties could find a way to compromise on density. Ms. Matthews said that the remonstrators proposed 10 units, but the petitioner was not willing to look at lowering the density. Mr. Mears stated that the number of units proposed by the remonstrators is so far below what would be feasible, that he is not sure any common ground could be reached. He said that this project is the same density as another project on the other side of Broad Ripple Avenue, which is also a Monon project.

Councillor Keller asked about the 25 foot setback, and said it looks as though the actual setback is 44 feet according to projections he has seen. He said that this amount of density does not seem inappropriate at all for this site. He said that the height of the project being proposed is no higher than any two-story house that exists there not. He said that the density on the canal has helped downtown and residents use the canal regularly and he believes putting residential near these parks venues is a good precedent.

Councillor Mahern asked why the remonstrators chose the number of 10 units. He said that this is only 37% of the original proposed number of units, and does not seem to be even reasonable as to what was approved by the commission. Mr. Holland said that there are presently nine units on the property and they felt adding one more unit would not affect the greenspace or affect trees. He said that they could possibly live with a few more. Councillor Mahern said that proposing only one more than what is currently there does not seem to be any type of compromise. He said the new units proposed will be much superior in quality to what is in place now.

Councillor Speedy said that it is clear the petitioner has already lowered the number of units and compromised with regards to density. He said that the units will be smaller buildings with landscaping and architectural features designed to make the property more attractive. This will allow more residents to take advantage of great city assets such as the Monon Trail. He said that County Option Income Tax Dollars are declining because people are leaving the County for more opportunities like this. He said that he supports quality proposals that bring people back to the County.

Councillor Borst asked if the project will actually encroach upon the trail. Mr. Weaver said that the project will be 44 feet away from the trail. Councillor Borst asked if trees will be eliminated. Mr. Weaver said that they are not proposing to touch the trees along the trail, and there will be a 33 foot buffer from the project. Mr. Colvin said that there is actually only 18 feet from the Monon property to the new project's property, and the recommended setback is 25 to 30 feet. Councillor Borst asked if this is law, or if this 25 foot setback is simply a recommendation. Mr. Colvin said that it is a recommendation. Councillor Borst asked if there are any fines assessed if someone does not keep to 25 feet. Mr. Colvin said that there would not be unless encroachment occurs. Councillor Borst asked if there is another review process. Mr. Colvin said that there has always been 25 to 40 feet of private land as a buffer from the trail, and he does not believe 13 feet is enough. Mr. Mears said that they cannot encroach on this area because they cannot touch anything in the Greenways right of way. He said that only a couple of mature trees on the developer's property will be eliminated.

Councillor Sanders said that she has concerns about the trees and hopes that the Council will consider what is presented in the Greenways guidelines and comprehensive plan when making their decision.

President Gray called for a vote and stated that a “yea” vote will support the petitioner and uphold the Metropolitan Development Commission’s decision to grant a variance. Eighteen “nay” votes are needed to overturn the MDC’s decision and support the remonstrators. The MDC’s decision was upheld on the following roll call vote; viz:

13 YEAS: Borst, Bradford, Cain, Cockrum, Day, Keller, Mahern, McWhirter, Nytes, Pfisterer, Salisbury, Schneider, Speedy

14 NAYS: Abdullah, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Mansfield, Moriarty Adams, Oliver, Randolph, Sanders, Talley

2 ABSENT: Langsford, Plowman

Proposal No. 113, 2006 was retitled REZONING ORDINANCE NO. 58, 2006, and is identified as follows:

REZONING ORDINANCE NO. 58, 2006.

2005-ZON-146 (2005-DP-013)

6137 AND 6155 WINTHROP AVENUE (Approximate Addresses), INDIANAPOLIS

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3.

KOSENE ACQUISITIONS, II, by Stephen D. Mears, requests a rezoning of 1.43 acres, being in the D-5 District, to the D-P classification to provide for the construction of 31 multi-family dwelling units at a density of 21.09 units per acre.

Councillor Mahern reported that the Metropolitan Development Committee heard Proposal Nos. 72-74, 2006 on February 27, 2006. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 72, 2006. The proposal, sponsored by Councillors Mahern, Keller, Cockrum and Nytes, approves an appropriation of \$643,674 in the 2006 Budget of the Department of Metropolitan Development, Compliance Division (Consolidated County Fund) to pay for salaries, benefits and other operating costs for seven full time staff to work in code compliance, financed by increased revenues from new and increased permit fees. PROPOSAL NO. 73, 2006. The proposal, sponsored by Councillors Mahern, Keller, Cockrum and Nytes, approves an appropriation of \$3,333,734 in the 2006 Budget of the Department of Metropolitan Development, Planning Division (Federal Grants and Non-Lapsing Federal Grants Funds) to perform various studies related to rapid transit, funded by a Federal Transit Administration "New Start" grant, and to undertake other transportation planning activities provided for through additional grant funds available to the Metropolitan Planning Organization (MPO), including GIS data development, school outreach programs and other studies for surrounding communities that contribute funding to the MPO, financed by federal funds and contributions from partners from surrounding municipalities. PROPOSAL NO. 74, 2006. The proposal, sponsored by Councillors Mahern, Keller, Cockrum and Nytes, approves an appropriation of \$50,000 in the 2006 Budget of the Department of Metropolitan Development, Compliance Division (Federal Grants Fund) to provide on-call engineering reviews of flood mapping and related technical assistance to assess flood hazards in Marion County, financed by a federal grant from FEMA. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Schneider asked if any of these specific studies mentioned in Proposal No. 73, 2006 have anything to do with light rail options from the northeast corridor. Mike Deering, manager of

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the Metropolitan Planning Organization, said that there are some federal dollars included for a continuation of the northeast corridor study.

President Gray called for public testimony at 9:36 p.m.

Robert Yahara, citizen, asked what surrounding municipalities are referred to in Proposal No. 73, 2006. Mr. Deering said that almost all the jurisdictions inside and just outside of Marion County are included, and just a handful of smaller jurisdictions have not yet contributed.

Councillor Schneider asked that Proposal No. 73, 2006 be voted on separately. Consent was given.

There being no further testimony, Councillor Mahern moved, seconded by Councillor Keller, for adoption. Proposal Nos. 72 and 74, 2006 were adopted on the following roll call vote; viz:

23 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cockrum, Conley, Day, Gibson, Gray, Keller, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Schneider, Speedy, Talley
0 NAYS:
4 NOT VOTING: Cain, Franklin, Mansfield, Randolph
2 ABSENT: Langsford, Plowman

Councillor Schneider stated that the northeast corridor runs through his district and there are a lot of constituents opposed to light rail, and therefore he cannot support the proposal.

Proposal No. 73, 2006 was adopted on the following roll call vote; viz:

20 YEAS: Abdullah, Borst, Bowes, Boyd, Brown, Cockrum, Conley, Day, Gibson, Gray, Keller, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Sanders, Speedy, Talley
3 NAYS: Bradford, Salisbury, Schneider
4 NOT VOTING: Cain, Franklin, Mansfield, Randolph
2 ABSENT: Langsford, Plowman

Proposal No. 72, 2006 was retitled FISCAL ORDINANCE NO. 11, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 11, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating Six Hundred Forty Three Thousand Six Hundred Seventy Four Dollars (\$643,674) in the Consolidated County Fund for purposes of the Department of Metropolitan Development, Compliance Division and reducing certain other accounts for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (i) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Planning Division to pay for salaries, benefits and other operating costs for seven full time staff to work in code compliance, financed by increased revenues from new and increased permit fees.

SECTION 2. The sum of Six Hundred Forty Three Thousand Six Hundred Seventy Four Dollars (\$643,674) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>		<u>CONSOLIDATED COUNTY FUND</u>
<u>COMPLIANCE DIVISION</u>		
1. Personal Services		376,620
2. Supplies		4,560
3. Other Services and Charges		69,726
4. Capital Outlay		181,536
5. Internal Charges		<u>11,232</u>
TOTAL INCREASE		643,674

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>643,674</u>
TOTAL REDUCTION	643,674

SECTION 5. Section 5.01 (k) of the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) is hereby amended by allowing for seven (7) new FTE's, as follows:

Department	Division	Position Type	2006 Proposed
Metropolitan Development	Division of Compliance	Full Time FTE	60.00 63.00
Metropolitan Development	Division of Compliance	Seasonal FTE	0
Metropolitan Development	Division of Compliance	Union Position FTE	45.00 49.00

SECTION 6. The projected December 31, 2006, fund balance for the Consolidated County Fund, as approved in September 2005, is as follows:

Projected fund balance at the end of 2005	22,067,602
Estimated Revenues to be received in 2006	55,793,239
Total Funds Available	77,860,841
Approved 2006 appropriations	61,309,263
Proposed additional appropriation (this proposal)	643,674
Total Requirements	61,952,937
Estimated Fund Balance December 31, 2006	15,907,904

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 74, 2006 was retitled FISCAL ORDINANCE NO. 12, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 12, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating Fifty Thousand Dollars (\$50,000) in the Federal Grants Fund for purposes of the Department of Metropolitan Development, Compliance Division and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (i) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Compliance Division to provide on-call engineering reviews of flood mapping and related technical assistance to assess flood hazards in Marion County, financed by a federal grant from FEMA.

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SECTION 2. The sum of Fifty One Thousand Dollars (\$50,000) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	
<u>COMPLIANCE DIVISION</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	50,000
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	50,000

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>50,000</u>
TOTAL REDUCTION	50,000

SECTION 5. There is no match required for this grant.

SECTION 6. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 73, 2006 was retitled FISCAL ORDINANCE NO. 13, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 13, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating Three Million Three Hundred Thirty Three Thousand Seven Hundred Thirty Four Dollars (\$3,333,734) in the Federal Grants Fund and Non-lapsing Federal Grants Fund for purposes of the Department of Metropolitan Development, Planning Division and reducing certain other accounts for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (i) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Planning Division to perform various studies related to rapid transit, funded from a Federal Transit Administration "New Start" grant, and to undertake other transportation planning activities provided for through additional grant funds available to the Metropolitan Planning Organization (MPO), including GIS data development, school outreach programs and other studies for surrounding communities that contribute funding to the MPO, financed by federal funds and contributions from partners from surrounding municipalities.

SECTION 2. The sum of Three Million Three Hundred Thirty Three Thousand Seven Hundred Thirty Four Dollars (\$3,333,734) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	
<u>PLANNING DIVISION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	924,000
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	924,000

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	
<u>PLANNING DIVISION</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	2,409,734
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	2,409,734

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>NON-LAPSING FEDERAL GRANTS FUND</u>	
Unappropriated and Unencumbered	
Non-lapsing Federal Grants Fund	<u>924,000</u>
TOTAL REDUCTION	924,000

<u>FEDERAL GRANTS FUND</u>	
Unappropriated and Unencumbered	
Federal Grants Fund	<u>2,409,734</u>
TOTAL REDUCTION	2,409,734

SECTION 5. The match requirements for these grants will be met through contributions from surrounding municipality partners, Indianapolis-Marion County Area Geographic Information Service (IMAGIS) and Center for Interactive Learning and Collaboration (CILC). These funds will be used as match for the grants requested from the Federal Transit Administration and Federal Highway Administration.

SECTION 6. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 77, 2006. Councillor Brown reported that the Parks and Recreation Committee heard Proposal No. 77, 2006 on February 16, 2006. The proposal, sponsored by Councillors Gray and Cockrum, approves an appropriation of \$28,495 in the 2006 Budget of the Department of Parks and Recreation (Park General Fund) to fund after school programming at IPS School 27/Charity Dye, and to pay for food supplies for youth attending after school programs at various sites, financed by grants from the United Way and the Hoover Family Foundation. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Gray called for public testimony at 9:39 p.m. There being no one present to testify, Councillor Brown moved, seconded by Councillor Cockrum, for adoption. Proposal No. 77, 2006 was adopted on the following roll call vote; viz:

March 6, 2006

23 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cockrum, Conley, Day, Gibson, Gray, Keller, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Schneider, Speedy, Talley*

0 NAYS:

4 NOT VOTING: *Cain, Franklin, Mansfield, Randolph*

2 ABSENT: *Langsford, Plowman*

Proposal No. 77, 2006 was retitled FISCAL ORDINANCE NO. 14, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 14, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating Twenty Eight Thousand Four Hundred Ninety-five Dollars (\$28,495) in the Park General Fund for purposes of the Department of Parks and Recreation, and reducing certain other accounts for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (l) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation, to fund after school programming at IPS School 27/Charity Dye, and to pay for food supplies for youth attending after school programs at various sites, financed by grants from the United Way and the Hoover Family Foundation.

SECTION 2. The sum of Twenty Eight Thousand Four Hundred Ninety-five Dollars (\$28,495) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
1. Personal Services	8,711
2. Supplies	4,676
3. Other Services and Charges	15,108
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	28,495

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>28,495</u>
TOTAL REDUCTION	28,495

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Moriarty Adams reported the the Public Safety and Criminal Justice Committee heard Proposal Nos. 83-87, 2006 on February 15, 2006. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 83, 2006. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves an increase of \$50,288 in the 2006 Budget of the Marion County Sheriff's Department

(State and Federal Grants Fund) to pay for overtime of deputies involved in the F.B.I. Joint Terrorism Task Force, the Drug Enforcement Administrations Task Force, and the Organized Crime Drug Enforcement Task Force. PROPOSAL NO. 84, 2006. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves an increase of \$74,287 in the 2006 Budget of the Marion County Sheriff's Department (State and Federal Grants Fund) to provide support for the many and varied needs of the Marion County Jail, funded by the State Criminal Alien Assistance Program of the Department of Justice. PROPOSAL NO. 85, 2006. The proposal, sponsored by Councillors Moriarty Adams and McWhirter, approves an increase of \$292,331 in the 2006 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to reappropriate unspent balances from seven previously approved US Department of Justice grants and to appropriate four new grants from the Federal Highway Traffic Safety agency. PROPOSAL NO. 86, 2006. The proposal, sponsored by Councillors Franklin and Plowman, approves an increase of \$64,859 in the 2006 Budget of the Marion County Forensic Services Agency (State and Federal Grants Fund) to purchase equipment needed by the Firearms Unit of the crime lab, financed by a grant awarded by the Indiana Criminal Justice Institute on behalf of the US Department of Justice. PROPOSAL NO. 87, 2006. The proposal, sponsored by Councillor Moriarty Adams, approves a transfer and new appropriations totaling \$896,335 in the 2006 Budget of the Marion County Justice Agency (Federal Law Enforcement Equitable Sharing Fund and Federal Grants Fund) to share federal forfeiture revenues resulting from investigations and prosecutions involving the Metro Drug Task Force and to implement a US Department of Justice "Project Safe Neighborhood" grant to reduce gun crime and gun violence, financed by transfers and new federal funds. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Gray called for public testimony at 9:50 p.m. There being no one present to testify, Councillor Moriarty Adams moved, seconded by Councillor Gibson, for adoption. Proposal Nos. 83-87, 2006 were adopted on the following roll call vote; viz:

24 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cockrum, Conley, Day, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

3 NOT VOTING: Cain, Franklin, Randolph

2 ABSENT: Langsford, Plowman

Proposal No. 83, 2006 was retitled FISCAL ORDINANCE NO. 15, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 15, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating Fifty Thousand Two Hundred Eighty Eight Dollars (\$50,288) in the State and Federal Grants Fund for purposes of the Marion County Sheriff's Department and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.06 (b) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department to pay for overtime related to various task forces.

SECTION 2. The sum of Fifty Thousand Two Hundred Eighty Eight Dollars (\$50,288) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balance as shown in Section 4.

March 6, 2006

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>50,288</u>
TOTAL INCREASE	50,288

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>50,288</u>
TOTAL REDUCTION	50,288

SECTION 5. No Local Match.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 84, 2006 was retitled FISCAL ORDINANCE NO. 16, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 16, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating Seventy Four Thousand Two Hundred Eighty Seven Dollars (\$74,287) in the State and Federal Grants Fund for purposes of the Marion County Sheriff's Department and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.06 (b) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department to support the needs of the Marion County Jail.

SECTION 2. The sum of Seventy Four Thousand Two Hundred Eighty Seven Dollars (\$74,287) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balance as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	40,000
3. Other Services & Charges	20,000
4. Capital Outlay	<u>14,287</u>
TOTAL INCREASE	74,287

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>74,287</u>
TOTAL REDUCTION	74,287

SECTION 5. No Local Match.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the

controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 85, 2006 was retitled FISCAL ORDINANCE NO. 17, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 17, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating an additional Two Hundred Ninety Two Thousand Three Hundred Thirty-one Dollars (\$292,331) in the Federal Grants fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Federal Grants fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) of the City-County Annual Budget for 2006 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, to reappropriate unspent balances from seven previously approved US Department of Justice grants, and to appropriate four new grants from the Federal Highway Traffic Safety agency.

SECTION 2. The sum of Two Hundred Ninety Two Thousand Three Hundred Thirty-one Dollars (\$292,331) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

FEDERAL GRANTS FUND

1. Personal Services	123,743
2. Supplies	41,591
3. Other Services and Charges	65,671
4. Capital Outlay	37,607
5. Internal Charges	<u>23,719</u>
TOTAL INCREASE	292,331

SECTION 4. The said additional appropriation is funded by the following reductions:

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

FEDERAL GRANTS FUND

1. Personal Services	20,339
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL DECREASE	20,339

FEDERAL GRANTS FUND

Unappropriated and Unencumbered	
Federal Grants Fund	<u>271,992</u>
TOTAL REDUCTION	271,992

SECTION 5. The only grant that requires a match is the Local Law Enforcement Block Grant. The match for that grant was satisfied by encumbrances in 2005.

SECTION 6. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

March 6, 2006

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 86, 2006 was retitled FISCAL ORDINANCE NO. 18, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 18, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating Sixty Four Thousand Eight Hundred Fifty Nine Dollars (\$64,859) in the State and Federal Grants Fund for purposes of the Marion County Forensic Services Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.06 (a) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Forensic Services Agency to purchase equipment needed by the Firearms Unit of the crime lab, financed by a grant awarded by the Indiana Criminal Justice Institute on behalf of the U.S. Department of Justice.

SECTION 2. The sum of Sixty Four Thousand Eight Hundred Fifty Nine Dollars (\$64,859) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balance as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>FORENSIC SERVICES AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>64,859</u>
TOTAL INCREASE	64,859

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>64,859</u>
TOTAL REDUCTION	64,859

SECTION 5. No Local Match.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 87, 2006 was retitled FISCAL ORDINANCE NO. 19, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 19, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) transferring and appropriating a total of Eight Hundred Ninety Six Thousand Three Hundred Thirty Five Dollars (\$896,335) in the Federal Law Enforcement Equitable Sharing Fund and the Federal Grants fund (\$144,000 and \$752,335, respectively), for purposes of the Marion County Justice Agency and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.06 (d) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to share federal forfeiture revenues resulting from investigations and prosecutions involving the Metro Drug Task Force, and to implement a U.S. Department of Justice "Project Safe Neighborhood" grant to reduce gun crime and gun violence, financed by transfers and new federal funds.

SECTION 2. The sum of Eight Hundred Ninety Six Thousand Three Hundred Thirty Five Dollars (\$896,335) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>FEDERAL LAW ENFORCEMENT</u>	
<u>MARION COUNTY JUSTICE AGENCY</u>	<u>EQUITABLE SHARING FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	80,000
4. Capital Outlay	<u>64,000</u>
TOTAL INCREASE	144,000
<u>MARION COUNTY JUSTICE AGENCY</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	345,517
2. Supplies	0
3. Other Services and Charges	406,818
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	752,335

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE ENFORCEMENT FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	80,000
4. Capital Outlay	<u>64,000</u>
TOTAL DECREASE	144,000
<u>MARION COUNTY JUSTICE AGENCY</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	10,794
2. Supplies	16,926
3. Other Services and Charges	8,067
4. Capital Outlay	<u>2,860</u>
TOTAL DECREASE	38,647
Unappropriated and Unencumbered	
Federal Grants Fund	<u>713,688</u>
TOTAL REDUCTION	713,688

SECTION 5. No Local Match.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

March 6, 2006

SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 31, 2006. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 31, 2006 on January 18, 2006 and it was postponed on January 23, 2006 due to some unanswered questions. The proposal, sponsored by Councillor Nytes, is a final resolution for Indianapolis Colts, Inc. in an amount not to exceed \$85,000,000 to finance a portion of the cost of the acquisition, construction, installation and equipping of certain economic development facilities consisting of a 63,000 seat multi-purpose stadium (District 19). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor McWhirter asked in the event the Colts should default on this financing if the City would then be liable to repay, as in the case with the United Airlines facility. Councillor Nytes said that this is different, and the City would not be liable. Only the Colts would be responsible for repayment.

Councillor Cockrum asked if the naming rights agreement for the stadium will have an impact on this amount of borrowing. Councillor Nytes said that the naming rights agreement is just one of the sources of revenue that the Colts will probably use to pay back this loan.

Councillor Nytes moved, seconded by Councillor Sanders, for adoption. Proposal No. 31, 2006 was adopted on the following roll call vote; viz:

24 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cockrum, Conley, Day, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Schneider, Speedy, Talley
0 NAYS:
3 NOT VOTING: Cain, Franklin, Randolph
2 ABSENT: Langsford, Plowman

Proposal No. 31, 2006 was retitled SPECIAL ORDINANCE NO. 1, 2006, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 1, 2006

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue one or more series of its "Taxable Economic Development Revenue Bonds (Indianapolis Colts, Inc. Project)" in an aggregate principal amount not to exceed \$85,000,000 and approving and authorizing other actions in respect thereto.

WHEREAS, the Indiana Stadium and Convention Building Authority, the Capital Improvement Board of Managers of Marion County, Indiana, and Indianapolis Colts, Inc., a Delaware corporation (the "Borrower"), have entered into a Development Agreement dated as of September 1, 2005 (the "Development Agreement"), relating to the development of certain real property located in the City of Indianapolis, Indiana (the "City") in an area bounded by South Street to the north, Capitol Avenue to the east, McCarty Street to the south and Missouri Street to the west and the construction of a 63,000-seat multi-purpose stadium that, among other uses, will accommodate NFL professional football games, NCAA basketball games and other athletic and entertainment events, as well as convention activities (the "Project"); and

WHEREAS, the City of Indianapolis Economic Development Commission (the "EDC") has rendered its report (the "Report") regarding the proposed financing of a portion of the Project, and such Report has been submitted to the Metropolitan Development Commission of Marion County, Indiana, in its role as the plan commission of the City, and the Superintendent of Indianapolis Public Schools; and

WHEREAS, the EDC has heretofore (i) conducted a public hearing in accordance with Indiana Code 36-7-12-24; and (ii) adopted a resolution subsequent to such public hearing, which resolution has been transmitted hereto, finding that the financing of a portion of certain economic development facilities

through the issuance of one or more series of City of Indianapolis, Indiana, Taxable Economic Development Revenue Bonds (Indianapolis Colts, Inc. Project) (the "City Bonds") complies with the purposes and provisions of Indiana Code 36-7-11.9 and Indiana Code 36-7-12 (collectively, the "Act") and that such financing will be of benefit to the health, prosperity, economic stability and general welfare of the City of Indianapolis, Indiana (the "City") and its citizens; and

WHEREAS, the EDC has heretofore approved and recommended the adoption of this form of ordinance by the City-County Council of the City of Indianapolis and of Marion County, Indiana (the "Council"), has considered the issue of adverse competitive effect and has approved the forms of and has transmitted for approval by the Council, a certain Trust Indenture (including form of City Bonds), Loan Agreement (including form of Note) and Qualified Entity Purchase Agreement (collectively hereinafter referred to as the "Financing Documents"); now therefore,

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It is hereby found that the financing of a portion of the Project referred to in the Financing Documents previously approved by the EDC and presented to the Council, the issuance and sale of the City Bonds (which are expected to bear interest that is not excludable from gross income for federal tax purposes), the loan of the net proceeds of the City Bonds to the Borrower for the financing of a portion of the costs of the Project, the payment of the City Bonds from note payments of the Borrower under the Loan Agreement and the Note, and the securing of the City Bonds under the Trust Indenture complies with the purposes and provisions of the Act and will be of benefit to the health, prosperity, economic stability and general welfare of the City and its citizens.

SECTION 2. At the public hearing held before the EDC, the EDC considered whether the Project would have an adverse competitive effect on any similar facilities located in or near the City, and subsequently found, based on the findings of fact approved in connection with the Report of the EDC, that the Project would not have an adverse competitive effect because there are no other similar facilities located in or near the City (except for the currently existing RCA Dome, which will be replaced with the economic development facilities proposed to be financed in part with the proceeds of the Bonds). The Council hereby confirms the findings set forth in the EDC's resolution and Report, and concludes that the Project will not have an adverse competitive effect on any other similar facilities in or near the City, and the Project will be of benefit to the health, prosperity, economic stability and general welfare of the citizens of the City.

SECTION 3. The substantially final forms of the Financing Documents approved by the EDC are hereby approved and shall be incorporated herein by reference and shall be inserted in the minutes of the Council and kept on file by the Clerk of the Council (the "Clerk") or the Controller of the City (the "Controller"). In accordance with the provisions of Indiana Code 36-1-5-4, two (2) copies of the Financing Documents are on file in the office of the Clerk for public inspection.

SECTION 4. The City shall issue the City Bonds in one or more series in a total maximum principal amount not to exceed Eighty-Five Million Dollars (\$85,000,000), and shall mature no later than thirty (30) years from the date of the first principal payment thereon. The City Bonds are to be issued for the purpose of procuring funds to pay the costs of a portion of the acquisition, construction, installation and equipping of the Project, as more particularly set out in the Financing Documents, incorporated herein by reference, which City Bonds will be payable as to principal, premium, if any, and interest from the note payments made by the Borrower under the Loan Agreement and the Note or as otherwise provided in the above-described Trust Indenture. The City Bonds shall be issued in fully registered form in denominations of Five Thousand Dollars (\$5,000) and integral multiples thereof or as otherwise provided in the Trust Indenture, and shall be redeemable pursuant to the provisions of the Trust Indenture. Payments of principal of and premium, if any, and interest on the City Bonds are payable in lawful money of the United States of America to the registered owners as provided in the Trust Indenture. The City Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City nor are the City Bonds payable in any manner from revenues raised by taxation.

SECTION 5. The Controller is authorized and directed to sell the City Bonds to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank") at a negotiated sale. Subject to the parameters set forth in Section 4 of this Ordinance, the City Bonds shall be sold to the Bond Bank at the rates of interest and at the prices (plus accrued interest, if any) negotiated by the Controller and set forth in the Qualified Entity Purchase Agreement between the City and the Bond Bank. The Controller is authorized to execute, on behalf of the City, the Qualified Entity Purchase Agreement, with such changes thereto as the Controller may approve, such approval to be conclusively evidenced by the Controller's execution thereof. The Controller is further authorized to approve the use of any necessary information regarding the City for inclusion in any offering memorandum or other disclosure document used in connection with

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the offering and sale of the City Bonds (or of bonds issued by the Bond Bank, the proceeds of which will be used to purchase the City Bonds).

SECTION 6. The Mayor of the City (the "Mayor"), the Controller and the Clerk are, and each of them is, authorized and directed to execute, attest and affix or imprint by any means the seal of the City to the Financing Documents approved herein on behalf of the City and any other document which may be necessary or desirable prior to, on or after the date hereof to consummate or facilitate the transaction, including the City Bonds authorized herein. The Mayor and the Controller are, and each of them is, hereby expressly authorized to approve any modifications or additions to the Financing Documents which take place after the date of this Ordinance without further approval of this Council or the EDC if such modifications or additions do not affect the terms set forth in this Ordinance and the Financing Documents described in Indiana Code 36-7-12-27(a). The approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof and the affixing of the seal thereto or the imprinting of the seal thereon. The signatures of the Mayor and the Clerk on the City Bonds may be either manual or facsimile signatures. The Clerk is authorized to arrange for delivery of such City Bonds to the Trustee named in the Trust Indenture, and payment for the City Bonds will be made to the Trustee named in the Trust Indenture and after such payment, the City Bonds will be delivered by the Trustee to the purchasers thereof. The City Bonds shall be originally dated the date of issuance and delivery thereof.

SECTION 7. The provisions of this Ordinance and the Trust Indenture securing the City Bonds shall constitute a contract binding between the City and the holders of the City Bonds, and after the issuance of the City Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as the City Bonds or the interest thereon remains unpaid.

SECTION 8. This Ordinance shall be effective upon its passage by the Council and approval by the Mayor of the City, in accordance with procedures as required by law.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 71, 2006. Councillor Mahern reported that the Metropolitan Development Committee heard Proposal No. 71, 2006 on February 27, 2006. The proposal, sponsored by Councillors Mahern and Keller, changes the name of the Division of Community Development in the Department of Metropolitan Development to the Division of Community Economic Development and moves certain duties and responsibilities from the Division of Administrative Services to the newly named division. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Mahern moved, seconded by Councillor Keller, for adoption. Proposal No. 71, 2006 was adopted on the following roll call vote; viz:

22 YEAS: Abdullah, Borst, Boyd, Bradford, Cockrum, Conley, Day, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

5 NOT VOTING: Bowes, Brown, Cain, Franklin, Randolph

2 ABSENT: Langsford, Plowman

Proposal No. 71, 2006 was retitled GENERAL ORDINANCE NO. 31, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 31, 2006

PROPOSAL FOR A GENERAL ORDINANCE to change the name of the Division of Community Development in the Department of Metropolitan Development to the Division of Community Economic Development and to move certain duties and responsibilities from the Division of Administrative Services to the division to be named the Division of Community Economic Development.

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. Section 231-301 of the "Revised Code of the Consolidated City and County," regarding the divisions of the Department of Metropolitan Development, hereby is amended by the addition of the language that is underscored, to read as follows:

Sec. 231-301. Divisions established.

The department of metropolitan development shall be composed of the following divisions:

- (1) Division of neighborhood services.
- (2) Division of planning.
- (3) Division of administrative services.
- (4) Division of community economic development.
- (5) Division of compliance.

SECTION 2. Sections 231-304 and 231-305 of the "Revised Code of the Consolidated City and County," regarding the Division of Administrative Services and the Division of Community Development, respectively, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 231-304. Division of administrative services.

- (a) The division of administrative services is responsible for:
 - ~~(1) Providing real estate services for the department, including, acquiring or disposing of any interest in real or personal property, leasing or renting any buildings, structures or facilities included with a housing, economic development, other development or redevelopment project or public safety initiative; and~~
 - ~~(2) Facilitating the economic growth and revitalization of the city through various local economic development programs including, but not limited to real property tax abatement, residential distress tax abatement, industrial revenue bonds, tax increment financing, and for~~
 - ~~(1) Providing administrative support for the department; and~~
 - ~~(3) Providing various financial services including annual budget preparation, annual audit coordination, payroll services, and other accounting and operational support for the department.~~
- ~~(b) Powers and duties conferred on the department of metropolitan development by IC 36-7-15-1.~~
- ~~(e)~~ (b) This division shall have other powers and duties granted by statute or ordinance or delegated by the mayor or department director.

Sec. 231-305. Division of community economic development.

- (a) The division of community economic development is responsible for providing affordable housing, development and rehabilitation opportunities, encouraging economic opportunities, providing economic incentives, encouraging job creation and retention, building neighborhood capacity, providing homeless assistance and human services, administering an unsafe building program, and administering various federal programs.
- (b) Powers and duties of the division include:
 - (1) On behalf of the director, designating and authorizing the receipt and distribution of all funds received by the department pursuant to acts of the United States Congress including but not limited to the Housing and Community Development Act of 1974, as amended, the National Affordable Housing Act of 1990, as amended, and the Stewart B. McKinney Homeless Assistance Act of 1987, as amended; ~~the granting of this power shall not limit the power of the mayor to execute agreements with the United States Government to receive those funds;~~
 - (2) Facilitating the creation of affordable housing opportunities for low income households, including the homeless and persons with special needs, through the provision of programs

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including, but not limited to, Community Development Block Grant Program, HOME Investment Partnerships Program, Housing Opportunities for People with AIDS, Emergency Shelter Grants, Section 108 Loan Guarantee Program, Supportive Housing Program and the Mark to Market Program-;

- (3) Providing real estate services for the department, including, acquiring or disposing of any interest in real or personal property, leasing or renting and buildings, structures or facilities included with a housing, economic development, other development or redevelopment project or public safety initiative;
- ~~(34)~~ Facilitating the economic growth and revitalization of the city, through various local economic development programs including, but not limited to Community Development Block Grant Program, Section 108 Loan Guarantee Program, Commercial Facade Program, real and personal property tax abatement, residential distress tax abatement, industrial revenue bonds, brownfield remediation, tax increment financing, and support for the Indianapolis Enterprise Zone, and Enterprise Community;
- (45) The provision of public services and facilities including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing, energy conservation, welfare, recreational or special needs-;
- ~~(56)~~ Powers and duties conferred on the enforcement authority by IC 36-7-9-;
- ~~(67)~~ Conducting or contracting with an enforcement entity to conduct a program to issue orders to repair, board or demolish hazardous, unsafe or problem structures which contribute to urban blight including but not limited to the powers and duties in Chapter 537 of the Code-;
- ~~(78)~~ Powers and duties conferred on the department of metropolitan development by IC 36-7-15.1-; and
- ~~(89)~~ Inspecting properties to enforce regulatory requirements to insure compliance with federal programs.
- ~~(910)~~ The division shall have other powers and duties granted by statute or ordinance or delegated by the mayor or department director.

SECTION 3. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 88 and 89, 2006 on February 15, 2006. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 88, 2006. The proposal, sponsored by Councillor Oliver, approves a transfer of \$50,000 in the 2006 Budget of the Marion County Coroner (County General Fund) to provide funding for purchasing necessary supplies for use in performing autopsies, financed by a transfer between characters. PROPOSAL NO. 89, 2006. The proposal, sponsored by Councillor Moriarty Adams, approves a transfer of \$51,440 in the 2006 Budget of the Marion County Public Defender Agency (County General Fund) to pay for one full time attorney to represent clients in the major felony court ("drug court"). By unanimous votes, the Committee reported the proposals

to the Council with the recommendation that they do pass. Councillor Moriarty Adams moved, seconded by Councillor Oliver, for adoption. Proposal Nos. 88 and 89, 2006 were adopted on the following roll call vote; viz:

24 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cockrum, Conley, Day, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Schneider, Speedy, Talley*

0 NAYS:

3 NOT VOTING: *Cain, Franklin, Randolph*

2 ABSENT: *Langsford, Plowman*

Proposal No. 88, 2006 was retitled FISCAL ORDINANCE NO. 20, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 20, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) transferring and appropriating Fifty Thousand Dollars (\$50,000) in the Marion County General Fund for purposes of the Marion County Coroner and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 (d) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Coroner to provide funding for purchasing necessary supplies for use in performing autopsies, financed by a transfer between characters.

SECTION 2. The sum of Fifty Thousand Dollars (\$50,000) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	50,000
3. Other Services and Charges	0
4. Capital Outlay	0
TOTAL INCREASE	50,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	50,000
4. Capital Outlay	0
TOTAL DECREASE	50,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 89, 2006 was retitled FISCAL ORDINANCE NO. 21, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 21, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) transferring and appropriating Fifty One Thousand Four Hundred Forty Dollars (\$51,440) in the Marion County General Fund for purposes of the Marion County Public Defender Agency and reducing certain other appropriations for that agency.

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BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.05 (b) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Public Defender to allow the agency to hire one full time attorney to represent clients in the major felony court ("drug court"), financed by a transfer between characters.

SECTION 2. The sum of Fifty One Thousand Four Hundred Forty Dollars (\$51,440) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>PUBLIC DEFENDER AGENCY</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	51,440
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	51,440

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>PUBLIC DEFENDER AGENCY</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	51,440
4. Capital Outlay	<u>0</u>
TOTAL DECREASE	51,440

SECTION 5. As provided in section 5.02 (l) of the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005), the number of authorized full time equivalent positions (FTEs) is established for each county agency. For the Public Defender Agency, the number of authorized FTEs is hereby increased from 165 to 166 full time positions.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Conley reported that the Public Works Committee heard Proposal Nos. 92-95, 2006 on February 23, 2006. He asked for consent to vote on Proposal Nos. 92 and 93, 2006 and then Proposal Nos. 94 and 95, 2006 together. Consent was given.

PROPOSAL NO. 92, 2006. The proposal, sponsored by Councillors Conley, McWhirter and Salisbury, approves and authorizes execution of agreements between the City of Indianapolis and Hendricks County, Indiana, for the exercise of eminent domain authority and the construction of bridge and road improvementss in Marion and Hendricks Counties. PROPOSAL NO. 93, 2006. The proposal, sponsored by Councillors Conley, Abdualah, Keller and Gibson, approves the contract with the Indianapolis Power and Light Company to provide energy for public lighting, including street lighting, for streetlights and traffic signals owned by the Consolidated City of Indianapolis, Marion County, Indiana, and authorizes the Director of the Department of Public Works to execute the contract. The Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Conley moved, seconded by Councillor McWhirter, for adoption. Proposal Nos. 92 and 93, 2006 were adopted on the following roll call vote; viz:

23 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Cockrum, Conley, Day, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Schneider, Speedy, Talley*

0 NAYS:

4 NOT VOTING: *Brown, Cain, Franklin, Randolph*

2 ABSENT: *Langsford, Plowman*

Proposal No. 92, 2006 was retitled SPECIAL ORDINANCE NO. 2, 2006, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 2, 2006

A COUNCIL SPECIAL ORDINANCE approving and authorizing execution of agreements between the City of Indianapolis and Hendricks County, Indiana, for the exercise of eminent domain authority and the construction of bridge and road improvements in Marion County, Indiana, and Hendricks County, Indiana.

WHEREAS, the Board of Public Works, by Resolution No. 6, 2006, approved three agreements between the Consolidated City of Indianapolis, Marion County, Indiana, and Hendricks County, Indiana, for the exercise of eminent domain authority and the construction of highway and bridge improvements to 21st Street, 56th Street, and Morris Street, to and including Raceway Road in Marion County, Indiana, and authorized the Director of the Department of Public Works to sign said agreement on behalf of the Consolidated City of Indianapolis, Marion County, Indiana; and

WHEREAS, said agreement is in the best interest of the Consolidated City of Indianapolis, Marion County, Indiana, now therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. The Interlocal Agreements between the Consolidated City of Indianapolis, Marion County, Indiana, and Hendricks County, Indiana, as approved by the Board of Public Works by Resolution No. 90, 2005, are hereby approved and ratified, and the Clerk is directed to attach a copy of such Board of Public Works Resolution and agreements to the official copy of this Special Ordinance, and insert a copy of the same into the permanent minutes of the Council.

SECTION 2. The Director of the Department of Public Works is authorized to execute said agreement on behalf of the Consolidated City of Indianapolis, Marion County, Indiana.

SECTION 3. Hendricks County, Indiana, is hereby authorized to exercise eminent domain authority and construct highway and bridge improvements to 21st Street (Hendricks County Road 200 North) at Raceway Road, 56th Street (Hendricks County Road 600 North) from Hendricks County Road 900 East to Raceway Road, and Morris Street (Hendricks County 100 South) at Raceway Road in Marion County, Indiana, and Hendricks County, Indiana, in compliance with IC 36-1-3-9 (c), IC 36-1-7-2, IC 36-1-7-3, IC 36-3-4-18 (a), IC 36-9-2-17 and IC 36-9-2-18.

SECTION 4. This Special Ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 93, 2006 was retitled GENERAL RESOLUTION NO. 3, 2006, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 3, 2006

A GENERAL RESOLUTION approving the contract with the Indianapolis Power and Light Company to provide energy for public lighting, including street lighting, for streetlights and traffic signals owned by the Consolidated City of Indianapolis, Marion County, Indiana ("City"), and authorizing the Director of the Department of Public Works to execute the contract.

WHEREAS, the Board of Public Works by Resolution No. 1, 2006, approved the contract with the Indianapolis Power and Light Company to provide street lighting and electricity to the City; and further authorized the Director of the Department of Public Works to execute the contract, subject to the approval of the City-County Council; and

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WHEREAS, the Indianapolis Power and Light Company is the sole provider of street lighting and electricity in the City; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. The contract between the City and the Indianapolis Power and Light Company, as approved by the Board of Public Works by Resolution No. 1, 2006 hereby is approved.

SECTION 2. The Director of the Department of Public Works is authorized to execute such contract on behalf of the City.

SECTION 3. Upon receipt of the executed contract from the Director of the Department of Public Works, the Clerk of the Council hereby is directed to attach a copy of such Board of Public Works' Resolution and the executed contract to the official copy of this General Resolution, and insert a copy of the same into the permanent minutes of the Council.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 94, 2006. The proposal, sponsored by Councillors Conley, Abdullah and Keller, authorizes a change in parking restrictions on Monument Circle and the Circle Spokes (Districts 15, 16). PROPOSAL NO. 95, 2006. The proposal, sponsored by Councillor Cockrum, authorizes an all-way stop at the intersection of Trotter Road and Mooresville Road (District 22). By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Conley moved, seconded by Councillor Gibson, for adoption. Proposal Nos. 94 and 95, 2006 were adopted on the following roll call vote; viz:

24 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cockrum, Conley, Day, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

3 NOT VOTING: Cain, Franklin, Randolph

2 ABSENT: Langsford, Plowman

Proposal No. 94, 2006 was retitled GENERAL ORDINANCE NO. 32, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 32, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours; Sec. 621-126, Parking time restricted on designated days; and Sec. 621-202, Parking meter zones designated.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-125, Stopping standing and parking prohibited at designated locations on certain days and hours, be, and the same is hereby amended by the deletion of the following, to wit:

ON ANY DAY
From 9:00 p.m. to 6:00 a.m.

Market Street, on the north side,
from Illinois Street to Monument Circle.

Market Street, on the north side,
from Monument Circle to a point 138 feet east of Pennsylvania Street.

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Market Street, on the south side,
from Illinois Street to a point 31 feet east of Illinois Street.

Market Street, on the south side,
from a point 73 feet east of Illinois Street to Monument Circle.

Market Street, on the south side,
from Monument Circle to Pennsylvania Street.

Meridian Street, on both sides,
from Monument Circle to Ohio Street.

Meridian Street, on the east side,
from Washington Street to a point 189 feet north of Washington Street.

Meridian Street, on the west side,
from a point 145 feet north of Washington Street to Monument Circle.

Monument Circle, Northwest Quadrant, on the outer curb,
from Market Street to a point 215 feet north of Market Street.

Monument Circle, Northwest Quadrant, on the outer curb,
from a point 290 feet north of Market Street to Meridian Street.

Monument Circle, Southeast Quadrant, on the outer curb,
from Meridian Street to a point 168 feet east of Meridian Street.

Monument Circle, Southeast Quadrant, on the outer curb,
from a point 202 feet east of Meridian Street to Market Street.

Monument Circle, on the Southwest Quadrant, on the outer curb,
from Meridian Street to Market Street.

Section 2. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-126, Parking time restricted on designated days, be, and the same is hereby amended by the deletion of the following, to wit:

**TWO HOURS
ON ANY DAY
From 6:00 a.m. to 9:00 p.m.**

Monument Circle, Northwest Quadrant, on the outer curb,
from Market Street to a point 215 feet north of Market Street.

Monument Circle, Northwest Quadrant, on the outer curb,
from a point 290 feet north of Market Street to Meridian Street.

Monument Circle, Southeast Quadrant, on the outer curb,
from Meridian Street to a point 168 feet east of Meridian Street.

Monument Circle, Southeast Quadrant, on the outer curb,
from a point 202 feet east of Meridian Street to Market Street.

Monument Circle, Southwest Quadrant, on the outer curb,
from Meridian Street to Market Street.

Section 3. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-202, Parking meter zones designated, be, and the same is hereby amended by the deletion of the following, to wit:

TWO HOURS

Monument Circle, Northwest Quadrant, on the outer curb,
from Market Street to a point 215 feet north of Market Street.

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Monument Circle, Northwest Quadrant, on the outer curb,
from a point 290 feet north of Market Street to Meridian Street.

Monument Circle, Southeast Quadrant, on the outer curb,
from Meridian Street to a point 168 feet east of Meridian Street.

Monument Circle, Southeast Quadrant, on the outer curb,
from a point 202 feet east of Meridian Street to Market Street.

Monument Circle, Southwest Quadrant, on the outer curb,
from Meridian Street to Market Street.

Section 4. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-125, Stopping standing and parking prohibited at designated locations on certain days and hours, be, and the same is hereby amended by the addition of the following, to wit:

ON ANY DAY

From 11:00 p.m. to 6:00 a.m.

Market Street, on the north side,
from Illinois Street to Monument Circle.

Market Street, on the north side,
from Monument Circle to Scioto Street.

Market Street, on the south side,
from Illinois Street to a point 31 feet east of Illinois Street.

Market Street, on the south side,
from a point 73 feet east of Illinois Street to Monument Circle.

Market Street, on the south side,
from Monument Circle to Pennsylvania Street.

Meridian Street, on both sides,
from Monument Circle to Ohio Street.

Meridian Street, on the east side,
from Washington Street to a point 189 feet north of Washington Street.

Meridian Street, on the west side,
from a point 145 feet north of Washington Street to Monument Circle.

Monument Circle, Northwest Quadrant, on the outer curb,
from Market Street to a point 215 feet north of Market Street.

Monument Circle, Northwest Quadrant, on the outer curb,
from a point 290 feet north of Market Street to Meridian Street.

Monument Circle, Southeast Quadrant, on the outer curb,
from Meridian Street to a point 168 feet east of Meridian Street.

Monument Circle, Southeast Quadrant, on the outer curb,
from a point 202 feet east of Meridian Street to Market Street.

Monument Circle, on the Southwest Quadrant, on the outer curb,
from Meridian Street to Market Street.

Section 5. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-126, Parking time restricted on designated days, be, and the same is hereby amended by the addition of the following, to wit:

TWO HOURS

ON ANY DAY

From 6:00 a.m. to 11:00 p.m.

Monument Circle, Northwest Quadrant, on the outer curb,
from Market Street to a point 215 feet north of Market Street.

Monument Circle, Northwest Quadrant, on the outer curb,
from a point 290 feet north of Market Street to Meridian Street.

Monument Circle, Southeast Quadrant, on the outer curb,
from Meridian Street to a point 168 feet east of Meridian Street.

Monument Circle, Southeast Quadrant, on the outer curb,
from a point 202 feet east of Meridian Street to Market Street.

Monument Circle, Southwest Quadrant, on the outer curb,
from Meridian Street to Market Street.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 95, 2006 was retitled GENERAL ORDINANCE NO. 33, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 33, 2006

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of Intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically Sec. 441-416, Schedule of Intersection controls, be and the same is hereby amended by the deletion of the following, to-wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
43	Trotter Road & Mooreville Road	None	None

SECTION 2. The “Revised Code of the Consolidated City and County,” specifically Sec. 441-416, Schedule of Intersection controls, be and the same is hereby amended by the addition of the following, to-wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
43	Trotter Road & Mooreville Road	None	All-Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 96, 2006. Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal No. 96, 2006 on February 14, 2006. The proposal, sponsored by Councillors Gray, Borst and Conley, amends Title 1, Chapter 291, Personnel, Sec. 291-113 (a), background checks required of the Revised Code. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Boyd moved, seconded by Councillor Sanders, for adoption. Proposal No. 96, 2006 was adopted on the following roll call vote; viz:

March 6, 2006

24 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cockrum, Conley, Day, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

3 NOT VOTING: Cain, Franklin, Randolph

2 ABSENT: Langsford, Plowman

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Talley in memory of James Ford and Virginia Batdorf; and
- (2) Councillor Randolph in memory of Alonzo Miles, Andrea Joi Johnson, William Lewis Smith, Tiffany Denise Farral, and Florence J. Turner Butler; and
- (3) Councillor Sanders in memory of John A. McCracken; and
- (4) Councillors Abdullah, Bowes, Brown, Boyd, Conley, Franklin, Gibson, Gray, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Sanders and Talley in memory of Harriet Osborn; and
- (5) Councillor Boyd in memory of Dr. Robert Risk; and
- (6) Councillor Pfisterer in memory of Gloria Prosser, Wilma White, Irma Smith Clark, John Quinn Herrin, Ruth Dawson Brown, Violet Winkley, Edith Crowe Bivins, Zora Ivancic Semenick, Elizabeth Hunt, David Leppert, Don Sanders and Ken Wilson; and
- (7) Councillors Pfisterer, Langsford and Randolph in memory of Jack Irwin; and
- (8) Councillor Oliver in memory of Tincil Baker, James Cox and Will A. Moss; and
- (9) Councillor Gibson in memory of David A. Scott; and
- (10) Councillor Gray in memory of Charles Prather, Jr.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of James Ford, Virginia Batdorf, Alonzo Miles, Andrea Joi Johnson, William Lewis Smith, Tiffany Denise Farral, Florence J. Turner Butler, John A. McCracken, Harriet Osborn, Dr. Robert Risk, Gloria Prosser, Wilma White, Irma Smith Clark, John Quinn Herrin, Ruth Dawson Brown, Violet Winkley, Edith Crowe Bivins, Zora Ivancic Semenick, Elizabeth Hunt, David Leppert, Don Sanders, Ken Wilson, Jack Irwin, Tincil Baker, James Cox, Will A. Moss, and David A. Scott, and Charles Prather and Jr.. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:10 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 6th day of March, 2006.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)